

REMARKS

Claims 16-28, 33-41, 42-53, and 58-65 are pending in the present application. By this amendment, claims 29-32 and 54-57 have been canceled and the subject matter of claims 29 and 54 respectively added to currently amended independent claims 16 and 42. All of the previously pending claims were rejected in the present Office Action. Applicant requests reconsideration of the rejections based on the following remarks.

The disclosure was objected to based on the assertion that a clean version of the specification was not provided. The Applicant respectfully traverses this objection and submits that a clean copy of the specification was submitted within the Preliminary Amendment filed on April 16, 2001, and that this objection is in error.

Claims 16-28, 42-44, 46-48, and 50-52 were rejected under 35 U.S.C. § 102(e) as being anticipated by Pequet et al. (European Publication No. 0 689 303 A1). The Applicant respectfully traverses this rejection for the following reasons.

Independent claims 16 and 42 have been amended to include the subject matter of claims 29 and 54, respectively. Claims 29 and 54, which were previously dependent directly on claim 16 and 42, respectively, were not rejected under 102 as being anticipated by Pequet. Accordingly, the rejection of these claims and the dependent claims 17-28, 43, 44, 46-48, and 50-52 is moot. Nonetheless, claims 29 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pequet in view of Narusawa (U.S. Patent No. 5,956,623). Accordingly, in arguing newly amended claims 16 and 42, the Applicant will address the 103 rejection combining Pequet and Narusawa as follows.

With respect to the subject matter of independent claim 16, now incorporating the subject matter of canceled claim 29, the Office Action asserts that Pequet teaches all of the claimed elements except for “the first mobile station may switch on and off, at least one of manually and automatically.” Notwithstanding, the Office Action asserts that Narusawa teaches that a first mobile station may switch on and off either manually or automatically and cites column 2, line 65 through column 3, line 18 in support of this assertion. The Office Action then further asserts that it would have been obvious to one of ordinary skill in the art to modify Pequet to allow the first mobile station to switch on and off is taught by Narusawa in order to control the operation of the radio unit. The Applicant respectfully disagrees with these assertions as follows.

The Applicant respectfully submits that the combination of the cited references does not teach all of the elements of claims 16 and 42, and further that one of ordinary skill in the art would not be motivated to combine the teachings of Narusawa with the teachings of Pequet, as alleged in the present Office Action. In particular to the latter, the Applicant submits that the teachings of Narusawa actually lead away from combination with Pequet in order to arrive at the features of claim 16, in particular.

First, the Applicant respectfully submits that neither Pequet or Narusawa teaches all of the elements of claim 16. In particular, as recognized in the present Office Action, Pequet does not teach the claimed feature of a “first mobile station [that] may switch on and off, at least one of manually and automatically, the transmission of signals from the second mobile station to the base station, and the transmission of signals from the base station via the first mobile station to the second mobile station.” Additionally, contrary to the assertions in the present Office Action, Narusawa also fails to disclose this claimed feature. In particular, Narusawa specifically teaches a radio selective calling receiver where, when a radio unit operation determination unit determines that the radio unit is performing a reception operation, switch processing is not performed even when a user operates switch 5 to perform switch interrupt processing (see steps S207 and S208 of Fig. 2 of Narusawa). Thus, even if a user operates the switch 5, there will be no effect as long as the radio unit is performing a reception operation. Furthermore, Narusawa merely teaches that control within a particular radio receiver 20 may turn a radio unit 2 on and off at a predetermined timing to minimize battery consumption of the radio selective calling receiver 20 itself and does not teach or suggest that the receiver 20 effects switching on and off of transmission of signals from another mobile station via that particular receiver 20 to a base station as featured in the claim. Accordingly, Narusawa does not teach the claimed features for which it is relied upon as teaching.

Furthermore, one of ordinary skill in the art would not be motivated to include the taught features of Narusawa with Pequet. Specifically, Narusawa does not relate to communication between at least first and second mobile stations, where the first mobile station is used as a repeater as taught by Pequet. Thus, one of ordinary skill in the art would not look to the teachings of Narusawa to provide “control operation of radio unit [sic]” as alleged in the present Office Action. Moreover, Narusawa specifically relates to a radio selective calling receiver and

not to a transceiver device such as a mobile communication device. Thus, it is further unlikely that one of ordinary skill in the art would look to the teachings of Narusawa considering the TDMA mobile communications system disclosed by Pequet.

Additionally, as discussed previously, the specific teachings of Narusawa also teach away from the asserted combination of Pequet and Narusawa because the procedure of Narusawa actually requires that switch interrupts be ignored when there is indeed a reception operation of the radio unit.

Of additional note, the switch 5 of Narusawa, which is the main import of the teaching of Narusawa (see column 4, lines 27-32), is provided for the purpose of performing operations other than those for supplying or terminating power to the receiver. Thus, one of ordinary skill in the art further would not look to Narusawa as providing the manual or automatic switching on and off of the transmission of signals from a second mobile station via first mobile station to a base station.

In light of the foregoing comments, the Applicant respectfully submits that claim 16 is not taught or suggested by Pequet and Narusawa either combined or taken separately, and the rejection of this claim should be withdrawn, accordingly.

With respect to dependent claims 17-28 and 33-41, which ultimately depend from claim 16, these claims are believed to be allowable under merits and at least for the reasons presented above with respect to independent claim 16.

With respect to independent claim 42, the Applicant submit that this claim is allowable for at least the reasons presented above with respect to claim 16. Additionally, claims 43-53, and 58-65, which ultimately depend on claim 42, are also believed to be allowable under merits and at least due to their dependency on independent claim 42.

In light of the foregoing comments, the Applicant respectfully submits that the application is in condition for allowance and requests that a timely Notice of Allowance be used in this case.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Patrick B. Law

Reg. No. 41,549

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 781-6801

Dated: July 30, 2004